

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

| | | |
|--------------------------|---|------------------------------|
| STONEY JAMES BAILEY, |) | Civil Action No. 7:16cv00367 |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| SOUTHWEST VIRGINIA |) | |
| REGIONAL JAIL- DUFFIELD, |) | By: Norman K. Moon |
| Defendant. |) | United States District Judge |

Plaintiff Stoney James Bailey, a Virginia inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983, naming only the Southwest Virginia Regional Jail in Duffield as a defendant. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by *a person* acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988) (emphasis added). As the Southwest Virginia Regional Jail is not a “person” subject to suit under § 1983, Bailey cannot maintain this action against the defendant jail. *See McCoy v. Chesapeake Correctional Center*, 788 F. Supp. 890 (E.D. Va. 1992). Accordingly, I will dismiss Bailey’s complaint without prejudice pursuant to 42 U.S.C. § 1997e(c)(1).

ENTER: This 25th day of August, 2016.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE